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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,641	09/26/2003	Rami Caspi	2003P08214US	8212
7590 07/06/2009				
Siemens Corporation Attn: Elsa Keller, Legal Administrator Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830				
EXAMINER				
PEREZ, JULIO R				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
07/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,641

Applicant(s)

CASPI ET AL.

Examiner

JULIO PEREZ

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-15 and 17-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-15 and 17-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/24/09 has been entered.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-10, 12-15, 17-32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S.

Patent No. US7, 546,127. Although the conflicting claims are not identical, they are not patentably distinct from each other because independent claim 1 US7, 546,127 encompasses the claimed limitations as recited in claim 1 of current patent application.

Claim 1 of instant U.S. patent application	Claim 1 of US Patent No. US7,546,127
1. A telecommunications system, comprising: a plurality of network clients including a positioning controller and a communications controller; and a positioning server including a coordinating controller for maintaining a database of network clients to be tracked and provide updates of position-related information of a user to a presence server, the presence server defining one or more associated location/presence correlation pairs defining a geographical area including a user- defined boundary around one or more locations and corresponding presence status; wherein a presence status of the user is maintained if the network client is within the borders of the geographical area; and a mapping engine for defining the geographical	1. A telecommunications system, comprising: a plurality of network clients including a positioning controller and a communications controller; and a positioning server including a coordinating controller for maintaining a database of network clients to be tracked, said database further including position-presence correlation information related to party availability for individual users; wherein said positioning server is adapted to receive position information from said plurality of network clients via a toll-free telephony interface and distribute presence information related to said position information formatted into one or more e-mail messages to one or more network enterprise devices; wherein the plurality of network clients are configured to maintain a set of

area; wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller, said communications controller comprising a telephony controller; wherein the location/presence correlation pairs further include availability status indicia over a plurality of media associated with the user; and a first timer for providing a timer tick for confirming functionality and a second timer for providing one or more hysteresis indications to prevent speed and boundary toggling.	boundary perimeter rules and communicate a change via said toll-free telephony interface when a corresponding one of the plurality of network clients crosses the boundary perimeter; wherein a watchdog timer is maintained for confirmation the plurality of network clients are available; wherein the system checks for a new presence rule responsive to detection that one of the plurality of network clients is not available; and wherein a hysteresis timer is maintained upon detection of loss of a positioning signal or a boundary perimeter crossing to prevent toggling of a presence update.
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Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 7- 10, 12-15, 17-18, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase et al. (US 20030104819A1) and further in view of Callegari (US 20030055983A1) and Murray (US006484033B2).

Regarding claims 1, 9, 15, 24, Knauerhase teaches a telecommunications system, comprising: a plurality of network clients (Figure 1, #'s 140, 142, 144) including a positioning controller (Figure 3, # 366; par. 40, teach a determining location device with option to be externally located, which read on positioning locator) and a communications controller (Figure 3, # 360; par. 37); and a positioning server including a coordinating controller for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (Figure 2, #'s 160, 270, 260; par 28, teach server maintaining location database for tracking client positions, further the location server and present server could be implemented within the same server or they could be in separate/remote servers from each other, to coordinate/mapping networks clients to real time location coordinates and updates presence information to the presence server (Figure 6, # 630; pars. 22, 27,28, 58, which reads on the claimed limitation), the presence server defining one associated location/presence correlation pair defining a geographical area and corresponding presence status; wherein a presence status is maintained if the network client is within the borders of the geographical area (pars.60, 62, 67, 69; teach return "do not disturb" only if the location matches the location of the meeting room; return "busy" at a movie theater; return "available" if the location is indicating the car; return "unavailable" if the user is in the restroom, which read on defining one associated location correlation pair

defining a geographical area and corresponding presence); and a mapping engine for defining the geographical area (paragraph [0028]); wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller (Figure 3, #'s 360, 345; par. 37, 47, teach the controller reports the location of clients around the coverage area), but is silent on including a user defined boundary; and a first timer for providing a timer tick for confirming functionality and a second timer for providing one or more hysteresis indications to prevent speed and boundary toggling.

Callegari teaches the user able to manually define location information by entering address or street intersection, i.e., geographical area, (par. 101, lines 4-6), which reads on user-defined boundary.

Murray discloses transmitting updates of position with detection of speed and speed thresholds (col. 6, lines 21-60; col. 6, lines 43-61).

It would have been obvious to one skill in the art at the time of the invention to modify Knauerhase, such that the user may report or define his location and a first timer for providing a timer tick for confirming functionality and a second timer for providing one or more hysteresis indications to prevent speed and boundary toggling, to provide means for monitoring the location or position more accurately and efficiently and in accordance to the user's preferences and provide means to control the position of the user securely and accurately.

Further with regard to claim 9, Knauerhase teaches a cellular controller adapted to receive said positioning information to an associated server (Figure 3, 6, #'s

300, 610-640, pars. 40, 58, 59) and rules database configured to receive correlation rules to store in database from mapping engine (pars. 40, 57-61).

Further with regard to claim 15, Knauerhase teaches a presence control unit adapted to receive and maintain presence information for a plurality of users (Figure 2, # 265, par. 26-28); and a location control unit adapted to receive and maintain location information for said plurality of users, said location information correlated with said presence information (Figure 1, #'s 265, 270, pars. 27-28); and a first interface for receiving predefined presence-location correlation rules from associated users, said rules including a geographical area defined by a mapping engine (pars. 60-61), teach the presence server receiving presence rules from the mobile done by querying the user to input presence rules (par. 57-59), further the presence server uses the data such as location, associated state, and associated presence information supplied by, to update presence information for the mobile station, and the mapping process further as discussed on par. 62-69.

Further with regard to claim 24, Knauerhase teaches transmitting said one or more positioning and presence correlation rules to a remote device (Figure 6, par. 58).

Regarding claims 2, 10, the combination of Knauerhase and Callegari teaches claims 1/9, wherein said positioning controller receives global positioning network signals for determining a position of an associated network client (Knauerhase, par. 28).

Regarding claims 3, 12, 13, the combination of Knauerhase and Callegari teaches claim 2, wherein said communications controller comprises a cellular network

controller for transmitting on a cellular telephone network to said positioning server (Knauerhase, par. 47).

Regarding claim 5, the combination of Knauerhase and Callegari teaches claim 1, and further wherein positioning server includes an Instant Messaging message generator for communicating said updates to said presence server (Knauerhase, par. 30).

Regarding claims 7, 8, the combination of Knauerhase and Callegari teaches claim 1, and further wherein said presence server maintains a database of location and presence correlation pairs for registered users and receives location updates from said positioning server (Knauerhase, Figure 2, # 265, pars. 27-28, teach a versatile system, which has the possibility of separation between positioning server and the presence server or the combined elements with full functional capabilities of location storage and correlation pairs for registered users and to provide updates from each other) .

Regarding claims 12, 13, the combination of Knauerhase and Callegari teaches claim 1/9, further wherein said cellular telephone controller transmits changes to location and presence status to said associated server (Knauerhase, Figures 6-7, #'s 610-640, pars. 58-59).

Regarding claim 14, the combination of Knauerhase and Callegari teaches claim 9, further wherein said cellular telephone controller receives updates to said rules database from said associated server (Knauerhase, par. 61).

Regarding claims 17, 18, the combination of Knauerhase and Callegari teaches claim 15, wherein receiving said location information comprises receiving user-

positioning updates from a remote user from an operable coupled wireless network (Figures 6-7, pars. 58-59).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase and further in view of Callegari and Murray and Miyamoto (US 2003/0114171).

Regarding claim 4, the combination of Knauerhase and Callegari and Murray teaches claim 1, but is silent on wherein positioning server includes an e-mail message generator for communicating said updates to said presence server.

Miyamoto teaches a position search server with an "e-mail relating section", # 203, to generate e-mail messages (Figure 7, #203, par. 31), which reads on e-mail message generator.

It would have been obvious to one skilled in the art at the time of the invention to modify Knauerhase and Callegari, such that communicating presence or position-related information updates to presence server to provide flexibility in methods of information transmission among servers.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over as being unpatentable over Knauerhase and further in view of Callegari and Murray and Zmolek (US Pub. No. 2003/0154293).

Regarding claim 6, the combination of Knauerhase and Callegari teaches claim 1, wherein the position server updates presence related information to a presence server, but is silent on wherein positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server. In

an analogous art, Zmolek teaches a system for presence tracking and name space interconnection techniques. Zmolek further teaches a telecommunication system, wherein Session Initiation Protocol (SIP) is employed to allowed servers providing services (paragraph [0005]). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Knauerhase and Callegari system to include a telecommunication system, wherein positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server such as taught by Zmolek in order to facilitate media-independent signaling and the implementation of presence and availability of the device.

1. Claims 19-20, 22-23, 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase and further in view of Callegari and Murray and Giniger et al. (US Patent No. 6,985,742).

Regarding claim 19, Knauerhase et al. teaches an automatically updating presence information system, wherein the server receiving updating location information from a remote user from an operably couple wireless network. However, Knauerhase does not specifically teach such implementation of the system in a personal communication service (PCS) network. In an analogous art, Giniger teaches a method and apparatus for providing position-related information to mobile recipients.

Giniger further teaches the cellular network is a personal communication service (PCS) network to deliver information to/from mobile unit (col. 14, line 39 to 60). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify Knauerhase cellular telephone network to a personal

communication service network (PCS) such as taught by Giniger. This will enhance the system flexibility of working on a different network such as PCS network.

Regarding claim 20, Knauerhase and Giniger further teaches a telecommunications server, further comprising a second interface for transmitting user-positioning updates to an operably coupled enterprise server (see Giniger, col. 7, line 18 to 33).

Regarding claim 22, Knauerhase and Giniger et al. further teaches a telecommunications server, wherein said receiving said user-positioning updates comprises receiving said user-positioning updates via a telephone dial-in (see Knauerhase, paragraph [0061]) and said second interface comprises a text messaging interface (see Knauerhase, par. 19-20).

Regarding claim 23, Knauerhase et al. does not teach a telecommunication further comprising a second interface for transmitting user-positioning updates to one or more local users. Giniger et al. teaches a telecommunications server, further comprising a second interface for transmitting user positioning updates to one or more local users (col. 7, line 18 to 33). Giniger further teaches a server with capability to transmit/receive information in a packet telephony format (col. 19, line 47 to col. 20, line 8). Therefore it would have been obvious to one skilled in the art to employed such protocol that also taught by Giniger et al. to implement the system of transmitting user-positioning updates to one or more local users for different purposes such as advertising, i.e., an emergency.

Regarding claim 25, Knauerhase teaches receiving positioning updates at said remote device (Figure 6, par.58), but is silent on transmitting presence updates to other local controllers or remote devices as specified in said one or more positioning and presence correlation rules.

Giniger teaches transmitting presence updates to other local controllers or remote devices as specified in said one or more positioning and presence correlation rules (see Giniger, col. 5, lines 32-35, col. 7, lines 18-33).

Therefore, it would have been obvious to one ordinary skilled in the art at the time of the invention to modify Knauerhase to include Giniger feature of transmitting presence updates to other local controllers or remote devices as specified in said one or more positioning and presence correlation rules in order to facilitate services such as advertising, i.e., an emergency.

Regarding claim 26, Knauerhase and Giniger further teaches a telecommunications method, wherein said receiving one or more user positioning and presence correlation rules comprises receiving at a server one or more rules set via a network interface device operably coupled to said one or more local controllers (see Knauerhase, Figure 6, par.57-61).

Regarding claim 27, Knauerhase and Giniger further teach a telecommunications method, wherein said receiving positioning updates comprises receiving one or more signals from a global positioning network (par. 58).

Regarding claim 28, Knauerhase and Giniger further teaches a telecommunications method, further comprising transmitting positioning updates from

said remote device to one or more servers via a radio-linked network (see Giniger, col. 7, lines 18-33).

Regarding claims 29, 30, Knauerhase et al. and Giniger et al. further teaches a telecommunications method, wherein said radio-linked network comprises a cellular telephone network / personal communication service (PCS) network (see Giniger, col. 14, line 39 to 60).

Regarding claims 31, 32, Knauerhase and Giniger further teaches a telecommunications method, wherein said one or more user positioning and presence correlation rules comprise one or more time-of-day parameters/day-of-week presence correlation rules comprises receiving at a server one or more rules set via a network interface device operably coupled to said one or more local controllers (see Knauerhase, Figure 6, par. 57-61).

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase and further in view of Callegari and Murray and further in view of Giniger and Miyamoto (US Pub. No. 2003/0114171).

Regarding claim 21, Knauerhase and Giniger further teach a telecommunications server, wherein said receiving said user-positioning updates comprises receiving said user-positioning updates via a telephone dial-in (see Knauerhase, par. 61), but silent on a second interface that comprises an email interface.

Miyamoto further teaches said second interface comprises an e-mail interface (Figure 7, # 203; par. 31). Therefore, it would have been obvious to one ordinary skilled

in the art to modify Knauerhase and Giniger to include an email interface to facilitate the flexibility in methods of information transmission.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIO PEREZ whose telephone number is (571)272-7846. The examiner can normally be reached on 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/25/2009

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